

IN THE UNITED STATES PATENT AND TRADEMARK EXAMINER

Serial No. 10/090,650
Filing Date Mar 4, 2002
First Named Inventor..... Barry Bond
Assignee..... Microsoft Corporation
Group Art Unit 2161
Examiner..... CINDY NGUYEN
Attorney's Docket No. MS1-0779US
Title Extensible Loader

SUPPLEMENTAL RESPONSE

To: Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

From: Jacob P. Rohwer (Tel. 509-868-8323; Fax 509-323-8979)
Customer No. 22801

[0001] This reply is being filed in response to an Advisory Action issued on November 27, 2007. Applicant believes that the Advisory Action is improper because the previous Office Action dated July 10, 2007, gave no definite indication that it was a "Final" Office Action. Furthermore, Applicant's Representatives tried to contact the Examiner multiple times in July 2007 after receiving the action, in order to clarify the situation. However, Examiner never responded to Applicant's messages, and as a result, Applicant made it very clear that if there was no response, then Applicant would assume the action was "Non-Final". Therefore, Applicant submits that the Advisory Action be withdrawn and another Office Action

be issued in accordance with our filed response to a "Non-Final" Office Action dated November 9, 2007.

[0002] If however, Examiner maintains the Finality of the Office Action issued July 10, 2007, Applicant wishes to inform the Office that a petition for withdrawal will be submitted as attached to this document.

Respectfully Submitted,

Dated: 12/7/07

By: Jacob Rohwer

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PETITION UNDER § 1.181

To: Commissioner for Patents
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Petition for Withdrawal of Finality

MPEP 1002.02(C) 3 (a) allows for petitioning of a premature final rejection. Applicant hereby petitions the director under § 1.181 because the Advisory Action issued November 27, 2007 implies finality in the prosecution of the case. However, there was never any notice of a "Final" Office Action received by the Applicant in the prosecution of this case. The Office Action dated July 10, 2007 had both the "Non-Final" box and the "Final" box checked on the PTOL-326 Form, and there was no indication of finality within the rejection. In response to this ambiguous indication by the Office, Applicant tried to contact the Examiner

multiple times in order to clarify the situation. However, Examiner never responded to messages left by the Applicant, and as a result Applicant believed the Office Action issued on July 10, 2007 to be "Non-Final", and the outstanding Advisory Action should be withdrawn and a new office action issued in accordance with our filed response on November 9th, 2007.

SAMPLE

Respectfully Submitted,

Dated: _____

By: _____

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